

## Pending Rule Changes for the NR 700 Series of Administrative Rules

The Natural Resources Board (NRB) has approved a request to proceed with numerous limited changes to the NR 700 series of administrative rules, *Investigation and Remediation of Environmental Contamination*. This is a rule “clean up” proposal, intended to ensure that our rules remain internally consistent, consistent with statutes and consistent with current practices. The next steps in rule making will be to:

- Prepare a “yellow sheet” to establish the rule making schedule,
- Prepare the first “green sheet” for approval by the NRB. This will contain the actual changes proposed for rule language. The NRB will also establish the public hearing schedule at this time.
- Conduct hearings and accept written comments during the public comment period.
- Prepare the second “green sheet” to propose the final draft language for the rule. This will include a response to public comments and a fiscal estimate.
- The NRB will then decide whether or not to approve the final draft rule language. If approved, the proposed changes are sent to legislative committees in the Assembly and Senate.
- The legislative committees then decide whether to hold their own hearings on the rule changes. If no legislative hearings are held, the rules are approved as written and become effective when published by the state Revisor of Statutes. If legislative hearings are held, the committees may approve the rules as written or send them back to the agency for revision.

This is a summary of the rule “clean up” that is proposed for the NR 700 series of rules.

### General Rule Changes

1. Update the statutory and rule citations throughout.
2. Update the language in NR 706, *Hazardous substance discharge notification and source confirmation requirements*, to be consistent with Chapter 292 of the statutes, *Remedial Action*.
3. Eliminate the tank operation and leak detection requirements in NR 706. These criteria belong in Dept. of Commerce regulations (Comm 10).
4. Clarify the industrial land use definition to clearly exclude retail gas stations.
5. Clarify the applicability and submittal requirements for simple sites in NR 726, *Case closure*.
6. Add a note regarding Commerce and DATCP authority as they apply to NR 726.
7. Streamline the reporting requirements found in chapter NR 746, *Risk screening and closure criteria for petroleum product contaminated sites, and agency roles and responsibilities* and in NR 724, *Remedial and interim action design, implementation, operation, maintenance and monitoring requirements*.
8. Add an internet address for the Close Summary and Closeout Form in NR 726.
9. Revise NR 750, *Fees for providing oversight for the contaminated land recycling program*, to make it consistent with current statutory language.
10. Make minor clarifications to NR 738, *Temporary emergency water supplies*.
11. Eliminate the requirement in NR 419, *Control of organic compound emissions*, which currently requires form 4500-168, “Notification to Treat or Dispose of Petroleum Contaminated Soil”.

#### Changes to Analytical Procedures

12. Eliminate the gasoline range organic & diesel range organic (GRO/DRO) standards for disposal and landspreading of petroleum contaminated soil, and for closure approval. Instead, rely on standards for specific contaminants of concern such as benzene. Consider retaining the DRO standard for hydraulic fluids, where specific compounds don't show up in analytic scans.
13. Eliminate the soil sampling product names contained in NR 700.
14. Allow the SW-846-5035 method for preservation of soil samples.
15. Change the level at which volatile organic compound and petroleum volatile organic compound (VOC/PVOC) contamination must be reported to DNR to the level at which these contaminants can be detected, rather than the limit at which they can be quantified.
16. Consider adding sampling holding time limits for certain metals and other contaminants.
17. Move all the analytical requirements to one location within the rules.

#### Changes to Investigation of Contamination (Site Investigation)

18. Add a requirement to develop a conceptual model for a contaminated site in NR 716, *Site investigation*.
19. Require that saturated materials such as soil below the water table be sampled to define the source zone (the location from which contamination originates). Require downgradient piezometer wells to define the full range of groundwater contamination. Require geochemical analyses to determine whether a proposed remedy by natural attenuation is feasible.
20. Standardize the format required for site investigation reports.
21. Revise NR 716, if necessary, to address bidding issues at Petroleum Environmental Cleanup Fund Act (PECFA) sites.
22. Add definitions for terms such as conceptual model, rapid site characterization, source zone, etc.

#### Internet - Geographic Information System (GIS) Registry of Cleanup Approvals with Residual Contamination

23. Specify the fees required for modifications to pdf text information on the internet, and for the removal of sites from the GIS Registry.
24. Ensure that the language regarding the types of sites listed on the GIS Registry is consistent between NR 726 and NR 746.
25. Modify the cleanup approval and case closure process to clarify review and recording of deed restrictions for residual contamination.

#### Public Notification Regarding Cleanup Approvals with Residual Contamination

26. Expand the requirements in NR 726 for notification of residual soil contamination, and for circumstances when someone other than the current property owner is conducting the cleanup. Modify the letter required by Appendix A to address these changes.
27. Revise the letter required by Appendix A due to expiration of a contract with Diggers Hotline.